

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN EDWARD FOLAND,)	
)	
Plaintiff,)	Civil No. 22-140
)	Judge Marilyn J. Horan/
v.)	Magistrate Judge Patricia L. Dodge
)	
RICHARD LEE FOLAND, SR., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges. On March 23, 2023, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's Amended Complaint be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) and be dismissed for lack of subject matter jurisdiction. ECF No. 6. Objections were due by April 10, 2023. As of April 27, 2023, no Objections have been filed. After *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 27th day of August 2023,

IT IS ORDERED as follows:

The Report and Recommendation, ECF No. 6, filed on March 23, 2023, recommending dismissal of Plaintiff's Amended Complaint, is adopted as the Opinion of the Court.

The Amended Complaint, ECF No. 5, is hereby DISMISSED as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

It is further ORDERED that the Amended Complaint, ECF No. 5, is hereby DISMISSED for the additional reason that this Court lacks subject matter jurisdiction over the Amended Complaint.

This case is dismissed, and the Clerk of Court is to mark the case CLOSED.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge

cc: John Edward Foland, pro se
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